

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KEITH SUMPTER, )  
Petitioner, )  
v. ) Case No. CIV-22-00862-JD  
JANET DOWLING, )  
Respondent. )

**ORDER**

On September 12, 2022, Petitioner Keith Sumpter filed a petition for writ of habeas corpus [Doc. No. 3] and a motion for leave to proceed in forma pauperis [Doc. No. 4]. On November 29, 2022, the Court referred the matter to United States Magistrate Judge Suzanne Mitchell in accordance with 28 U.S.C. § 636. [Doc. No. 8].

Judge Mitchell entered a Report and Recommendation finding that Mr. Sumpter had enough funds to pay the \$5.00 filing fee and recommending that the Court deny Mr. Sumpter's motion to proceed without payment of the fee. [Doc. No. 9]. The Report and Recommendation also recommended that the action be dismissed without prejudice unless Mr. Sumpter paid the \$5.00 filing fee within twenty-one days of any order adopting the Report and Recommendation. [*Id.* at 2]. The Report and Recommendation gave Mr. Sumpter until December 21, 2022, to file an objection to the recommendation. [*Id.*].

On December 20, 2022, the Court received the \$5.00 filing fee payment from Mr. Sumpter. [Doc. No. 10]. Considering Mr. Sumpter's payment and the fact he did not file

any objection, the Court accepts the Report and Recommendation [Doc. No. 9] and denies his motion to proceed in forma pauperis [Doc. No. 4] as moot. The filing fee requirement has been satisfied by Mr. Sumpter.

Consequently, the Court rerefers this matter to United States Magistrate Judge Suzanne Mitchell for further proceedings consistent with the initial case referral. [Doc. No. 8].

**IT IS SO ORDERED** this 28th day of February 2023.



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JODI W. DISHMAN  
UNITED STATES DISTRICT JUDGE